



Forest Heights Police Department Policy and Procedures Manual

Subject:	Use of Force			
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Chapter: 14	Section: 3	Number of Pages:	3	Replaces: GO 2000-15
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A. Purpose

To provide Forest Heights Police Department (FHPD) officers with guidance in situations when force must be used.

B. Policy

Officers will employ an objectively reasonable amount of force when necessary to effect an arrest and overcome any resistance offered.

C. Definitions

"DEADLY FORCE" means force which is intended to cause death or serious physical injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

"SERIOUS PHYSICAL INJURY" means physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement or loss or impairment of the function of any bodily member or organ.

D. Background

1. Officers are permitted by law to employ force, including deadly force, in certain situations.
2. Officers will respect the dignity and liberty of all persons and use force only when necessary.
3. An officer must evaluate each situation to determine the level of resistance offered and ensure that his response is appropriate for that level of resistance

E. Legal Considerations

1. This policy is for FHPD use only and does not apply in any criminal or civil proceeding.
2. FHPD policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.
3. The use of excessive force, regardless of the provocation or action of the offender, will result in administrative sanctions and disciplinary action in accordance with FHPD policies and may result in criminal prosecution.
4. Violations of law will form the basis for civil and criminal sanctions.

F. Use of Force

1. The degree of force used in making arrests will be consistent with FHPD policy and will not be excessive.
2. Deadly force may include the use of items, articles, instruments or equipment other than firearms which are designed, intended and routinely used for other legitimate law enforcement purposes (e.g., vehicles, batons, flashlights).
3. Deliberate use of any item, article, instrument or equipment for any purpose other than that for which it is designed and intended, or in a potentially deadly manner (e.g., using a flashlight as a club, ramming with a vehicle) is prohibited except in cases where the use of deadly force is authorized in this policy.
4. Officers are not justified in striking or arresting a person who merely objects to the proper performance of his duty.

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5. An officer must always maintain control of his temper and never allow himself to be provoked by words, no matter how rude, to use force.

G. Permitted Use of Less-Lethal Force

1. An officer may use various forms of less-lethal force within the scope of his Maryland Police and Corrections Training Commissions or other sanctioned qualified training and only after he has received:
 - a. initial training and demonstrated proficiency with the weapon or technique;
 - b. a copy of the policy that addresses the use of the weapon or technique; and
 - c. training on the policy that addresses the use of the weapon or technique.
2. Officers will receive training in all less-lethal techniques biennially (every two years).
3. Less-lethal weapons and techniques which an officer is permitted to use within the scope of his training are:
 - a. open-hand control techniques; b. closed-hand control techniques;
 - c. pressure points;
 - d. Monadnock Expandable Baton (MEB); and
 - e. oleoresin capicum (OC) spray.

H. Permitted Use of Deadly Force

1. The degree of force used in a situation must be consistent with both the severity of the incident and the urgency of its disposition.
2. Circumstances under which officers may employ deadly force in the performance of their official duties are:
 - a. in self-defense, or to defend another person who is being unlawfully attacked, from death or serious injury;
 - b. to prevent the escape of a felon only when all of the following conditions exist:
 - (1) every other reasonable means of effecting the arrest have been exhausted;
 - (2) the perpetrator is a known felon or an officer has probable cause to believe the perpetrator committed a felony;
 - (3) the perpetrator actually used or threatened to use deadly force in the commission of the felony;
 - (4) officers have reason to believe the felon poses a significant threat of using deadly force against an officer or others if not immediately apprehended;
 - (5) every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; and
 - (6) where feasible, an officer has given notice of the intent to use deadly force and the felon refuses to obey the order to halt.
3. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime.
4. Officers should either have witnessed the crime or should have sufficient probable cause to believe that the suspect had committed, is committing or is about to commit an offense for which the use of deadly force is permissible.

I. Actions After Using Force

After an officer uses force against another person, the officer will, if necessary

1. secure the scene to the best of his ability and make contact to get substantial back-up from the Prince George's County Police Department (PGCoPD) to ensure the crime scene is protected;
2. take all the necessary steps for the collection and preservation of the evidence including any weapons used by the suspect as well as the officer's own weapon.

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3. immediately notify the on-duty FHPD supervisor who will notify the Chief or Deputy Chief. The supervisor will respond to the scene and make the necessary charges in the case against the suspect or subjects involved, and should seek assistance from ranking officers and other officers on the scene.
4. in the event that a FHPD supervisor cannot be contacted, the officer will make contact with the shift supervisor of the PGCoPD, who should then take charge of the investigation until such time as a FHPD supervisor can be contacted. At no time is the investigation to be turned over to any other police department, except as enumerated above, without proper approval of the FHPD Chief.
5. render aid within his level of training and request emergency medical services if a person is injured;
6. request any aid; and
7. comply with the requirements of Chapter 14 Section 4.